

1 Timothy Carl Aires, Esq. (138169)  
AIRES LAW FIRM  
2 180 Newport Center Drive, Suite 260  
Newport Beach, California 92660  
3 (949) 718-2020  
(949) 718-2021 FAX

4 Attorneys for Plaintiff,  
5 AT&T CORPORATION  
6  
7

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA, NORTHERN DIVISION  
10

11 AT&T CORPORATION,

12 Plaintiff,

13 v.

14 DATAWAY INC. and dba DATAWAY  
DESIGNS,

15 Defendants.  
16 \_\_\_\_\_

) Case No. C07-02440 MMC

) DECLARATION OF TIMOTHY CARL  
) AIRES IN SUPPORT OF REQUEST TO  
) APPEAR BY TELEPHONE AT STATUS  
) CONFERENCE

) [F.R.C.P., Rules 16 and 26]

) S/C DATE: November 9, 2007

) TIME: 10:30 a.m.

) CTRM: 7  
17  
18

19 Plaintiff AT&T Corporation, hereby submits the Declaration of Timothy Carl Aires  
20 in support of request to appear by telephone at status conference, as follows:

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

DECLARATION OF TIMOTHY CARL AIRES

I, TIMOTHY CARL AIRES, hereby declare and state as follows:

1. The following facts are of my own personal, first-hand knowledge, and if called and sworn to testify thereto, I could and would competently do so.

2. I am an attorney at law, duly licensed to practice before all courts of the State of California and am a member of the Aires Law Firm, counsel for Plaintiff AT&T Corporation.

3. I am a sole practitioner. I represent Plaintiff Time Master Trading Inc. in a collection action pending in the San Diego County Superior Court under Case No. 37-2007-00056535-CU-CL-NC seeking the recovery of \$699,630.80. The parties in said case had been scheduled to participate in a mediation with Glass Mediations pursuant to Code of Civil Procedure §1775 et seq. on October 24, 2007, but the mediation was cancelled due to the wildfires in San Diego County. The mediation has been re-scheduled with a date now set with Glass Mediations of 9:00 a.m. on November 9, 2007. Mediator Glass has graciously consented to allow me to use his telephone to appear by telephone at the status conference set in this action for November 9, 2007 if this Court so allows.

4. The parties in this action have met and conferred under Rules 16 and 26 and have participated in an ADR conference call which resulted in this action being referred to mediation.

///

///

///

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 6<sup>th</sup> day of November, 2007, in Newport Beach, California.

~~TIMOTHY CARL AIRES~~

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, Timothy Carl Aires, am employed in the aforesaid county, State of California; I am over the age of eighteen years and not a party to the within action; my business address is: 180 Newport Center Drive, Suite 260, Newport Beach, California 92660.

On November 6, 2007, I served the document entitled: *Declaration of Timothy Carl Aires Re: Explanation for Failure to File Motion for Default Judgment* on all interested parties in this action by placing a true and correct copy thereof, enclosed in a sealed envelope, addressed as follows:

Matlock Law Group (matlocklawgroup@sbcglobal.com)  
Anne-Leith W. Matlock, Esq.  
Guy D. Chism, Esq.  
961 Ygnacio Valley Road  
Walnut Creek, CA 94596

(check applicable paragraphs)

☒ (BY MAIL IN THE ORDINARY COURSE OF BUSINESS) I am readily familiar with the business practice for collection and processing of correspondence for mailing with the U.S. Postal Service and the fact that correspondence would be deposited with the U.S. Postal Service that same day in the ordinary course of business; On this date, the above-named correspondence was placed for deposit at Newport Beach, CA and placed for collection and mailing following ordinary business practices.

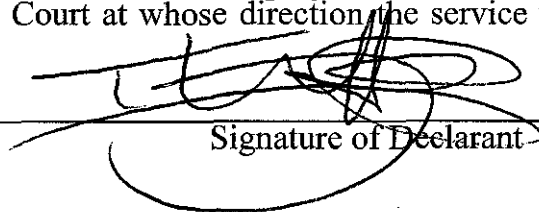
☐ (BY PERSONAL SERVICE) I caused such document to be served by hand on the addressee.

☐ (BY EXPRESS SERVICE) I caused such document to be deposited in a box or other facility regularly maintained by the express service carrier or delivered to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for, addressed to the person on whom it is to be served.

☐ (State) I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ (Federal) I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on November 6, 2007

  
Signature of Declarant